



ATTORNEYS AT LAW



Robert Greene Sterne  
Edward J. Kessler  
Jorge A. Goldstein  
David K.S. Cornwell  
Robert W. Esmond  
Tracy-Gene G. Durkin  
Michele A. Cimbala  
Michael B. Ray  
Robert E. Sokohl  
Eric K. Steffe  
Michael Q. Lee  
Steven R. Ludwig  
John M. Covert  
Linda E. Alcorn  
Robert C. Millanig  
Lawrence B. Bugaisky  
Donald J. Featherstone  
Michael V. Messinger

Judith U. Kim  
Timothy J. Shea, Jr.  
Patrick E. Garrett  
Jeffrey T. Helvey\*  
Heidi L. Kraus  
Crystal D. Sayles  
Edward W. Yee  
Albert L. Ferro\*  
Donald R. Banowitz  
Peter A. Jackman  
Molly A. McCall  
Teresa U. Medler  
Jeffrey S. Weaver  
Kendrick P. Patterson  
Vincent L. Capuano  
Albert J. Fusulo II\*  
Eldora Ellison Floyd  
W. Russell Swindell

Thomas C. Fiala  
Brian J. Del Buono  
Virgil Lee Beaston\*  
Reginald D. Lucas\*  
Kimberly N. Reddick  
Theodore A. Wood  
Elizabeth J. Haanes  
Bruce E. Chalker  
Joseph S. Ostroff  
Frank R. Cotttingham\*  
Christine M. Lhuillier  
Rae Lynn Prengaman\*  
Jane Shershenovich\*  
Lawrence J. Carroll\*  
George S. Bardmesser  
Rodney G. Maze

Registered Patent Agents\*  
Karen R. Markowicz  
Andrea J. Kamage  
Nancy J. Leith  
Ann E. Summerfield  
Helene C. Carlson  
Gaby L. Longsworth  
Matthew J. Dowd  
Aaron L. Schwartz  
Angelique G. Uy  
Boris A. Matvenko  
Mary B. Tung  
Katrina Y. Pei  
Bryan L. Skelton  
Robert A. Schwartzman  
Jason D. Eisenberg  
John J. Figueroa

Senior Counsel  
Samuel E. Fox  
Kenya E. Bass III  
Lisa A. Dunner  
RECEIVED  
SEP 19 2002  
TECH. DIVISION  
1652  
1652  
Admitted only to Maryland  
Admitted only in Virginia  
•Admitted only in Texas  
•Practice Limited to Federal Agencies

September 17, 2002

WRITER'S DIRECT NUMBER:  
(202) 218-7824

INTERNET ADDRESS:  
glongs@skgf.com

Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Utility Patent Application  
Appl. No. 09/229,173; Filed: January 13, 1999  
For: **Cloned DNA Polymerases from *Thermotoga maritima* and Mutants Thereof**  
Inventor: CHATTERJEE, Deb K.  
Our Ref: 0942.2800008/RWE/RCM/GLL  
Art Unit: 1652

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17);
2. Third Supplemental Information Disclosure Statement;
3. Form PTO-1449 citing 4 documents;
4. A copy of each of the 4 cited documents;
5. Our check no. 36302 for \$180.00 for the Information Disclosure Statement fee; and
6. One return postcard.

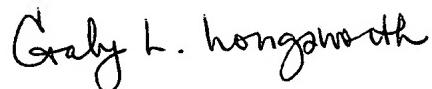
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
September 17, 2002  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency,  
or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

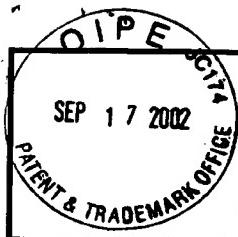
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Gaby L. Longsworth  
Agent for Applicant  
Registration No. 47,756

RWE/RCM/GLL/eaf  
Enclosures  
SKGF\_DC1:52264.1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# FEE TRANSMITTAL for FY 2002

*Patent fees are subject to annual revision.*

TOTAL AMOUNT OF PAYMENT	(\$180.00)
-------------------------	------------

*Complete if Known*

Application Number	09/229,173
Filing Date	January 13, 1999
First Named Inventor	CHATTERJEE, Deb K.
Examiner Name	Hutson, R.
Group Art Unit	1652
Attorney Docket No.	0942.2800008/RWE/RCM/GLL

## METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number	19-0036
Deposit Account Name	Sterne, Kessler, Goldstein & Fox P.L.L.C.

- Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

- Applicant claims small entity status  
See 37 CFR 1.27

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity      Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	\$180.00
581	40	481	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify):					
Other fee (specify):					

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$180.00)

\*\* or number previously paid, if greater. For Reissues, see above

## SUBMITTED BY

*Complete (if applicable)*

Name (Print/Type)	Gaby L. Longsworth	Registration No. (Attorney/Agent)	47,756	Telephone	202-371-2600
Signature	<i>Gaby L. Longsworth</i>			Date	September 17, 2002

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

SKGF Rev. 6/11/02 mma



RECEIVED  
SEP 19 2002  
TECH CENTER 2900  
USPTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHATTERJEE, Deb K.

Appl. No. 09/229,173

Filed: January 13, 1999

For: **Cloned DNA Polymerases  
from *Thermotoga maritima*  
and Mutants Thereof**

Confirmation No. 7438

Art Unit: 1652

Examiner: Hutson, R.

Atty. Docket: 0942.2800008/RWE/RCM/GLL

**Third Supplemental Information Disclosure Statement**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed on November 21, 2001 in connection with the above-captioned application. A copy of each document is provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

09/18/2002 WABDELRI 00000100 09229173

01 FC:126

180.00 OP

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. This Third Supplemental Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 2. This Third Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
  - a. I hereby state that each item of information contained in this Third Supplemental Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
  - b. I hereby state that no item of information in this Third Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- c. Attached is our Check No. 36302 in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).
3. This Third Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
- a. I hereby state that each item of information contained in this Third Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. I hereby state that no item of information in this Third Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
4. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
5. A concise explanation of the relevance of the non-English language document(s) appears below:
6. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

*Gaby L. Longsworth*

Gaby L. Longsworth  
Agent for Applicant  
Registration No. 47,756

Date: September 17, 2002

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600

::ODMA\MHODMA\SKGF\_DC1;39427;1  
SKGF Rev. 1/24/02 mac